

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

VALERIE MESCIA-DONNELLY,

Plaintiff,

v.

AMES D. CAMP, JR., JAMES D. CAMP,
III, LAWRENCE SAUL BLUMBERG,
NICHOLAS A. MESCIA, III,

Defendants.

Case No.: 2:22-cv-00178-CDS-EJY

Order Adopting Report and
Recommendation

[ECF No. 3]

Before the Court is the Report and Recommendation (R&R) of United States Magistrate Elayna J. Youchah entered on February 1, 2022. ECF No. 3. In the R&R, the Magistrate Judge granted Plaintiff's request to proceed *in forma pauperis*, but recommended that Plaintiff's complaint (ECF No. 1, 1-2) be dismissed without prejudice. Also pending before this Court are Plaintiff's objections to the R&R (ECF No. 4) and Plaintiff's Motion for an Order regarding the outstanding R&R. ECF No. 5.

I conducted a *de novo* review of the R&R pursuant to 28 U.S.C. § 636(b)(1)(C). When reviewing the order of a Magistrate Judge, the order should only be set aside if the order is clearly erroneous or contrary to law. Fed. R. Civ. P. 72(a); LR IB 3-1(a); 28 U.S.C. § 636(b)(1)(A); *Laxalt v. McClatchy*, 602 F. Supp. 214, 216 (D. Nev. 1985). A Magistrate Judge's order is "clearly erroneous" if the court has "a definite and firm conviction that a mistake has been committed." *See United States v. United States Gypsum Co.*, 333 U.S. 364, 395, 68 S. Ct. 525, 92 L. Ed. 746 (1948); *Burdick v. Comm'r IRS*, 979 F.2d 1369, 1370 (9th Cir. 1992). "An order is contrary to law when it fails to apply or misapplies relevant statutes, case law or rules of procedure." *UnitedHealth Grp.*,

1 *Inc. v. United Healthcare, Inc.*, No. 2:14-cv-00224-RCJ, 2014 U.S. Dist. LEXIS 129489, 2014 WL
2 4635882, at *1 (D. Nev. Sept. 16, 2014). As a threshold matter, I find that the Magistrate Judge's
3 R&R is not clearly erroneous or contrary to the law.

4 *Pro se* pleadings must be liberally construed. *See Balistreri v. Pacifica Police Dep't*, 901 F.2d
5 696, 699 (9th Cir. 1990). Even construing the complaint liberally, there are insufficient facts in
6 the complaint to establish how the United States District of Nevada is the proper forum for this
7 action, and as set forth in the R&R, there are insufficient facts in the complaint to establish how
8 this Court has jurisdiction over the Defendants. Plaintiff's objections suffer from this same
9 defect. The objections do not provide any points and authorities, or any additional information,
10 about how this Court has jurisdiction over the Defendants. The objections attach an order out of
11 the Nevada Supreme Court regarding disciplinary actions against a suspended Las Vegas
12 attorney. It is unclear how that order is related to or applies to this action. Consequently, I
13 overrule Plaintiff's objections. Accordingly,

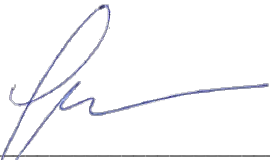
14 IT IS THEREFORE ORDERED that the Plaintiff's Objections to the R&R are overruled.

15 IT IS FURTHER ORDERED that Plaintiff's Motion for an Order regarding the R&R is
16 hereby GRANTED.

17 IT IS FURTHER ORDERED that the Magistrate Judge's Report and Recommendation
18 (ECF No. 3) is AFFIRMED and ADOPTED in its entirety. Plaintiff's application to proceed *in*
19 *forma pauperis* is granted but the complaint (ECF No. 1-2) is dismissed without prejudice.

20 The Clerk of Court is directed to close this case.

21 DATED this 27th day of May, 2022.

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Cristina D. Silva
United States District Judge